

Appl. No. 10/031,333
Amdt. dated February 4, 2004
Reply to Office Action of Aug. 7, 2003

REMARKS

Applicants respectfully request favorable reconsideration upon entry of their Amendment.

Applicants acknowledge the Examiner's careful consideration of their application.

Amended and New Claims

The new and amended claims find basis in the original application and avoid new matter. Applicants have replaced claims 1-9 with new claims 10-18. The new claims find basis in the original specification and the original claims. New claim 10 includes a re-organized and revised "wherein" clause compared to original claim 1, omits unnecessary parentheses, and omits the incorrect ":" in the middle of original claim 1. Claims 15 and 16 are worded like original claims 6 and 7. New claims 19-27 find basis in the specification at pages 18-19 and at pages 13-15.

Traversing the 112(1) Rejection

Applicants respectfully submit that original claims 1-9, now replaced by new claims 10-18, are supported by a written description that would enable a person skilled in the art, or the art to which the inventions most nearly pertain, to make use and practice the inventions without the exercise of undue experimentation.

The claims are directed to certain copolymers and the specification describes various exemplary copolymers. Among the suitable copolymers are the various sub-genuses disclosed at pages 13-15.

Applicants respectfully submit that the Office Action may rest upon a misunderstanding of the claimed subject matter. The claimed inventions may literally concern an olefin derived copolymer as distinguished from literally a resin composition that may happen to contain the claimed invention. The resin composition recited in claim

Appl. No. 10/031,333
Amdt. dated February 4, 2004
Reply to Office Action of Aug. 7, 2003

1 is actually a resin composition that can be used in defining the olefin derived copolymer that is being claimed.

Applicants' olefin derived copolymers can be characterized by requirements (1) and (2) in original claim 1, now claim 10. Requirement (1) pertains to strength at breakage of the olefin derived copolymer measured according to Japanese Industrial Standard K6251 ("JIS K6251"). Applicants enclose a copy of JIS K6251 to assure its future availability via this public record. The requirement (1) is described in the specification at page 16 and top of page 18, as well as other passages. Requirement (2) pertains to a measurement of a resin composition in which the claimed olefin derived copolymer and a polypropylene derived resin satisfy certain expressions 1 and 2. The requirement (2) and the expressions are described in the original specification at pages 18-19 et seq. According to the specification, as to an olefin derived copolymer not satisfying the requirements, the surface character stability of a thermoplastic resin composition obtained and the molded body containing (such as obtained using) a composition can decrease. The specification describes the requirements (1) and (2) and how a person skilled in the art performs the analysis to ascertain the metes and bounds of the claimed subject matter.

Please reconsider and withdraw the enablement rejection.

Traversing the 112(1)(2) Rejection

Applicants acknowledge with appreciation the Examiner's constructive suggestions regarding claims 1-9. New claim 10 does not repeat the ":" in middle of the claim 1. The other vocabulary objections noted in the Office Action are also thought to be satisfactorily addressed by new claims 11-18. It is to be appreciated that original claims included 'linking' claims, such as claims 4 -9, that related back to claims defining the olefin derived copolymer. Such linking claims are thought to be suitable and in accord with accepted U.S. claim drafting. However, if the Examiner has a different stylistic preference, please telephone the undersigned.

Appl. No. 10/031,333
Amdt. dated February 4, 2004
Reply to Office Action of Aug. 7, 2003

Conclusion

Applicants respectfully, but earnestly, submit that claims 10-27 are free of the non-art rejections and are in a condition for allowance. Applicants respectfully solicit a Notice of Allowance.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:



Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
Facsimile No. (202) 419-7007